

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking Regarding Policies,)
Procedures and Incentives for Distributed Generation)
and Distributed Energy Resources) R.04-03-017

**RESPONSE OF THE CENTER FOR ENERGY EFFICIENCY
AND RENEWABLE TECHNOLOGIES
TO PETITION FOR MODIFICATION OF D.04-12-045**

August 30, 2007

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Order Instituting Rulemaking Regarding Policies, Procedures and Incentives for Distributed Generation and Distributed Energy Resources) R.04-03-017)

The Center for Energy Efficiency and Renewable Technologies (CEERT) supports the Petition for Modification of Decision (D.) 04-12-045, filed by Fuel Cell Energy in Rulemaking (R.) 04-03-017 on July 27, 2007. Consistent with this petition, CEERT encourages the Commission to raise the eligible system size for Level 1 fuel cells from 1 megawatt to 3 megawatts while simultaneously (a) creating a safeguard to ensure that the maximum number of projects receive funds under the program, and (b) increasing funding for the program.

CEERT believes that raising the eligible rebated system size cap to 3 MW for Level 1 fuel cells, those using renewable fuel, as recommended by Fuel Cell Energy, is both good for further development and scale-up of the technology, and good for the environment. Fuel cells are an important power technology to help California meet near- and long-term climate emission reductions. According to SGIP data, renewable fuel cell projects deliver 1.59 tons of GHG reductions per MWh of operation. There is substantial opportunity for fuel cells to generate power and displace greenhouse gas emissions from methane at wastewater treatment plants and landfills. Fuel cells also provide highly reliable, ultra-clean, base load power that is extremely valuable as back-up support for critical loads. We recommend that the Commission, in raising the cap, create a set-aside or some other mechanism to safeguard against depletion of funds for smaller systems that enjoy subsidies under the current program.

Further, in its Petition, Fuel Cell Energy further recommends that *“(I)f the Commission is concerned about the impact of raising the MW cap, FCE recommends that the Commission authorize additional funding to support such additional SGIP allocations per program year, and that the Commission leave open the possibility of implementing additional mitigation measures if needed after observing the impact, if any, raising the cap has on program participation by small projects during the first year or two of implementation.”*

CEERT supports this recommendation for increased funding as an integral part of this proposal. Since the intention of SGIP is to foster wide scale adoption of clean technologies, we believe that it is critical to provide safeguards to ensure that this expansion will serve the intended purpose of increasing distributed generation installations in the state, not limit them to a handful of multi-megawatt installations. Safeguards to ensure that sub-megawatt installations receive SGIP incentives could include (a) the expansion of the program to 3 MW provided funding is guaranteed for the sub-megawatt installations or (b) the modification of the program to create a system where a multi-megawatt installation would receive 1 MW of subsidy dollars and then have to wait until the close of the fiscal year to receive incentives for the additional MWs if ample funding is available.

The Self-Generation Incentive Program has been an effective tool to deploy renewable and ultra-clean distributed generation technologies since its inception in 2001, with Decision (D.) 01-03-073. The program’s funding and eligible technologies have since been modified by legislation – SB 1 (Murray)¹ and AB 2778 (Lieber)². CEERT encourages the Commission to immediately 1) raise the eligible system size for Level 1 fuel cells from 1 megawatt to 3 megawatts, 2) create a safeguard to ensure that the maximum number of projects receive funds under the program, and 3) consider increased funding for the program.

¹ Chapter 132, Statutes of 2006.

² Chapter 617, Statutes of 2006.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Rachel E McMahon, am over the age of 18 years and employed in the City and County of Sacramento. My business address is 1100 11th Street, Suite 311 – Sacramento, CA, 95814.

On August 30, 2007, I served the within document, **RESPONSE OF THE CENTER FOR ENERGY EFFICIENCY AND RENEWABLE TECHNOLOGIES TO PETITION FOR MODIFICATION OF D.04-12-045** in R.04-03-017, with prescribed electronic and mail service and next-day delivery of paper copies to Assigned Commissioner Peevey and Assigned ALJ Duda.

Executed on August 30, 2007, at Sacramento, California.

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